

REMARKS

Summary

Claims 12 and 14-22, 25 and 26 are pending in this application. In this Amendment, claim 12 has been amended and claim 25 has been canceled. Accordingly, upon entry of this Amendment, claims 12, 14-22 and 26, will be pending. Favorable reconsideration and allowance of the pending claims are requested.

Claim Rejections – 35 U.S.C. § 112

Claim 25 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner objects to the recited feature wherein “the fusible wire and the insulating fibre are wound such that no portion of the fusible wire is positioned between the insulating fiber and the electrically insulated core.” While the FIG. 1 of the original application clearly discloses this feature, to expedite prosecution, in the present Amendment, claim 25 is canceled. Accordingly, the claim rejection under 35 U.S.C. § 112 is rendered moot, thus placing the pending claims in better condition for allowance.

Claim Rejections - 35 U.S.C. § 102

Claims 12 and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,439,844 to Hase et al. (hereinafter “Hase”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either implicitly or inherently, of each element of a claimed invention in a single reference. Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized

by one having ordinary skill in the art. Absence from an allegedly anticipating prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986) (emphasis added).

Independent claim 12, as amended herein, recites, *inter alia*,

an electrically insulating core;

a fusible wire wound about and in direct contact with the core . .

an electrically insulated fibre wound about and in direct contact with the core, the electrically insulated fibre wound parallel and in alternate fashion to the fusible wire, wherein a winding of the insulated fibre is adjacent to a pair of consecutive windings of the fusible wire.

Support for this amendment may be found, for example, at paragraphs [0008] and [0017], and FIGs. 1 and 2.

Applicant submits that Hase fails to teach each and every element recited in claim 12 and thus claim 12 defines over Hase. For example, Hase fails to teach “an electrically insulated fibre wound about and in direct contact with the core, the electrically insulated fibre wound parallel and *in alternate fashion to the fusible wire*,” as recited by claim 12. (emphasis added) The recited parallel winding arrangement is shown in Figure 1, and is described in paragraph [0007] of the Specification. As stated in paragraph [0007],

Wound onto the core parallel to the fusible wire is at least one electrically insulating fibre such that the fusible wire is so fixed in position that a short circuit of adjacent turns is prevented. Depending on the nature of the parallel winding of the fusible wire and the at least one electrically insulating fibre, the fusible wire is prevented to a greater or lesser extent from movement in the longitudinal direction of the core. A short circuit of adjacent turns of the fusible wire is prevented by at least one insulating fibre situated between them.

As noted in paragraph [0007] and illustrated in FIG. 1, an electrically insulating fibre 3 is wound parallel to an adjacent fusible wire. This feature is further recited in the amended claim 1, wherein the insulated fiber is “*wound parallel and in alternate fashion*”

to the fusible wire, wherein a winding of the insulated fibre is adjacent to a pair of consecutive windings of the fusible wire. . . wherein the insulating fibre in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings."

By contrast, Hase discloses a conductor 203 and an insulator 205 that are wound in opposite hands, which is exactly the opposite of the arrangement recited by claim 12. See Hase, Figure 8. Thus, the Hase conductor and insulator are *not* wound in parallel as recited by claim 12. Moreover, the insulator of Hase is disclosed as a *braid*, not a fiber. As disclosed in Hase (column 17, lines 17-18) the braid 505 acts as the line shape insulator 205, which is illustrated in FIG. 8 of Hase. In particular, FIG. 8 of Hase illustrates an insulator 205 that is wound to *cover* the conductor 203. As shown, in the FIG. 8, of Hase, the insulator 205 does not extend parallel to the conductor winding 203, let alone extend "*in alternate fashion to the fusible wire*" of a conductor, as recited in claim 12.

As for the braid 505 itself, Applicants respectfully submit that it would be unreasonable to construe what is explicitly disclosed and depicted in FIG. 12 as a woven braid to be a fiber. In any case, the braid 505 itself does include a fiber that is "*wound in alternate fashion to the fusible wire*" of the conductor 203, "*wherein the insulating fibre in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings.*". As further shown in FIG. 12, the conductor 203 is a very loosely wound double pair of wires. The braid 505 is depicted as a mesh of criss-cross elements, which are disclosed as fulfilling the same role as line shape insulator 205, namely covering the conductor 203. In no manner can this criss-cross braid 505 be reasonably construed to disclose an insulated fiber that is "*wound parallel and in alternate fashion to the fusible wire*" 203. Nor is there any suggestion that the -criss-cross braid 505 is an insulated fibre that "*in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings*" of the conductor 203.

Absence from Hase of the above-mentioned claim elements negates anticipation. Accordingly, Applicants respectfully request removal of the anticipation rejection with respect to claim 12. The same goes for dependent claim 26, at least by virtue of its dependence from claim 12.

Claim Rejections - 35 U.S.C. § 103

Claims 14-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hase taken alone. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

Claims 14-22 depend from independent claim 12, and thus contain all of the limitations of that base claim. For the same reasons stated above in relation to the non-anticipation of independent claim 12, Applicant submits that Hase fails to teach each and every element recited in claims 14-22, and thus the claims define over the cited reference. Specifically, Hase fails to disclose, teach or suggest, an *“electrically insulated fibre wound parallel and in alternate fashion to the fusible wire, . . . wherein the insulating fibre in one or more of the second windings is adjacent a surface of the fusible wire of a pair of successive first windings.*

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejections with respect to claims 14-22.

Conclusion

It is believed that claims 12, 14-22, and 26 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed

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discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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Daniel N. Daisak, Reg. No. 39,160
Under 37 CFR 1.34(a)

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